

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

PATH AMERICA, LLC; PATH AMERICA  
SNO CO LLC; PATH AMERICA FARMER'S  
MARKET, LP; PATH AMERICA KING CO  
LLC; PATH AMERICA TOWER, LP; PATH  
TOWER SEATTLE, LP; POTALA TOWER  
SEATTLE, LLC; and LOBSANG DARGEY,

Defendants, and

POTALA SHORELINE, LLC and POTALA  
VILLAGE KIRKLAND, LLC,

Relief Defendants

No. 2:15-cv-01350-JLR

**PATH AMERICA TOWER  
INVESTORS' REPLY IN SUPPORT OF  
MOTIONS TO INTERVENE AND TO  
MODIFY PRELIMINARY  
INJUNCTION**

**Note for Hearing: October 16, 2015**

**Request for Oral Argument Withdrawn**

PATH AMERICA TOWER INVESTORS' REPLY IN  
SUPPORT OF MOTIONS TO INTERVENE AND TO  
MODIFY PRELIMINARY INJUNCTION  
No. 2:15-cv-01350-JLR

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## I. INTRODUCTION AND REPLY ARGUMENT

As the Court is aware, the undersigned attorneys represent eleven investors in the Path America Tower Project whose \$500,000 investments remain in the Path America escrow account (the “Path America Tower Investors”).<sup>1</sup> On October 1, 2015, the Path America Tower Investors filed a motion with the Court to intervene as Plaintiffs on a limited basis, accompanied by a motion to modify the Court’s Temporary Restraining Order or Preliminary Injunction, whichever was in effect,<sup>2</sup> to permit the release of their investment principal from escrow. Dkt. Nos. 56, 57. On October 8, 2015, Defendants filed notices of non-opposition to the Path America Tower Investors’ motions. Dkt. Nos. 69, 70. On October 13, 2015, the SEC filed a response to the Path America Tower Investors’ motions, noting that it also did not oppose the relief requested therein. Dkt. No. 72.

Accordingly, the Path America Tower Investors hereby request that the Court grant their motions, permit them to intervene for the limited purpose of seeking the return of their funds, and issue an Order modifying the asset freeze to permit the return of their funds from escrow. The Path America Tower Investors also hereby withdraw their previous request for oral argument on their motions.

## II. CONCLUSION

For the reasons set forth above and in the Path America Tower Investors’ moving papers, the Path America Tower Investors respectfully request that the Court grant their motions. Proposed orders granting the relief requested were previously submitted at Dkt. Nos. 56-1 and 57-1.

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<sup>1</sup> The Path America Tower Investors are Yingli Sun, Jun Yan, Xifeng Zhu, Jian Zhao, Huannong Wang, Yan Xu, Kwok Wah Chun, Io Hou Wu, Yu Zhen Ye, Caiyan Zhuang, and Xin Cao.

<sup>2</sup> On October 6, 2015, the Court granted the United States Securities and Exchange Commission’s (“SEC”) Motion for Preliminary Injunction. Dkt. No. 68.

1 DATED this 14<sup>th</sup> day of October, 2015.

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15 *Attorneys for Plaintiff-Intervenors*  
16 *the Path America Tower Investors*

**CERTIFICATE OF SERVICE**

I hereby certify on October 14, 2015, I caused the foregoing document to be electronically filed with the Clerk of the U.S. District Court for the Western District of Washington using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 14<sup>th</sup> day of October, at Seattle, Washington.

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